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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,301	09/03/2003	Steven J. Ross	GP-303673-OST-ALS	4415
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Julia Church Dierker Dierker & Associates, P.C. 3331 W. Big Beaver Road Suite 109 Troy, MI 48084-2813			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/654,301

Applicant(s)

ROSS ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/03/09 (AN AMENDMENT).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-15,18-27 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4,16,17,21 and 25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 3,5,7-10,12-15,18-20,22-24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This is the answer to an amendment filed on 11/03/2009.
2. Claims 1-5, 8-15, and 18-27 are pending; claims 1-2, 4, 11, 21, and 25 were withdrawn, claim 27 is newly added for examinations.

Response

3. Claim 3 requires “sending an update flag signal”, within this claim, it only means to send a signal for acknowledging.

- secondly, a signal is sent back to response to a communication
 - o These kinds of exchanging communication between 2 parties (e.g., a call center, and a telematic unit) have been well-known.
 - o This claim also requires:
 - o Sending a command/a setting from a call center to a car to response to a car’s setting signal.
 - o Although this claimed language ~~includes “update” and “vehicle personalization”~~, they are merely data for that exchanging communication – these particular “update” and “vehicle personalization” do not change a claimed step of exchanging data (they are considered as “non-functional data descriptive material, in this method claim 3).

Claim 3 may be interpreted as followed: it BROADLY requires 3 steps:

- sending a “flag” signal from (A) to (B) before/prior to a real “action” (e.g., sending a phone ring before talking) – this is a third step in pending claim 3;
- receiving a “certain” signal (e.g., an update signal) at (A) from (B);
- sending “computer” settings from (A) to (B) responsive to the update signal.

The applicant argues that there is no disclosure about “a flag signal” from Matula – the examiner disagrees, general speaking, that is merely a communication signal. The applicants further define that “an update flag signal” as claimed is a signal for indicating an availability (e.g., YES/NO or AVAILABLE/NOT AVAILABLE) – this signal is merely shown a well-known way of communication about a status (see Waddington et al., US Pub. 20020010661 A1, or Suzuki, US Pub. 20020007391 A1 of using claimed a computer “flag signal”).

From an online dictionary, a flag signal merely means:

- (IN COMPUT) a character, symbol, etc. used to mark data or a record for special attention
- to signal with or as with a flag; esp., to signal to stop
- sending (a message) by signaling

These above different meanings for a computer a flag signal are understood by one with skill in the art applying to this pending invention.

These claimed steps are very well-known in electronic communications because these signals are fundamental before transmit/receive signals – note that it is not necessary for a “vehicle”, and “telematics unit” is merely a remote unit that can be sent via conductive wire (not necessary “wireless”).

4. The rejections of Claims 12-15, and 18-20 under 35 U.S.C. 112, first paragraph, claims 22-24 under 35 U.S.C. §101 are withdrawn from a claims’ amendment on 11/03/2009.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matula et al., (US Pub. 2003/0181162 A1).

Method claims 3 (claim 13 represents similar actions) is reasonably interpreted as followed: it requires 3 steps,

- sending a “flag” signal from (A) to (B) before/prior to a real “action” (for a familiar act of “shaking-hands” – note that “a flag signal” or “a signal” does not change that claimed step);
- receiving a signal (e.g., an update signal) at (A) from (B);
- sending settings from (A) to (B) responsive to the update signal.

Those 3 required steps are inherently/explicitly taught by Matula (see Fig. 1, electronic communications are exchanged between “B” (a telematic unit 14 in a vehicle 15), and a ground facility/a call center 16 as “A”).

Matula et al., do not disclose that “an update flag signal indicating that a vehicle personalization setting update is available for download”; however, these claims only require a step of acknowledgment for availability or NOT available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Matula et al., to suggest that particular meaning because that meaning does not change a step that Matula et al., suggest: that is, using a signal to acknowledge a status.

6. Claims 5, and 14-15, 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rigo et al., (US Pub. 2002/0049535 A1).

A. As to claims 5, and 14-15: Rigo et al. teach claimed steps of:

- receiving an update signal/a preference/information (see Rigo et al., para. [0048], [0051]) at “A” (a central station/a call center) from “B” (a telematics unit/vehicle 10), (see Rigo et al., Fig.1 shows a relationship between “A” and “B”, para. [0026]);
- sending signals/settings from “A” (a central station/a call center) to “B” (a telematics unit/vehicle 10), (see Rigo et al., Fig.1) responsive to a signal;
- receiving a preference (i.e., receiving a specific information/data, see Rigo et al., para. [0027]) at “A” (a central station/a call center) via a web portal interface (see Rigo et al., Fig.1 ref. 20, para. [0048], [0051]) prior to “A” (a central station/a call center) receiving an update signal (see Rigo et al., Fig.1, para.[0027]); and
- sending a flag signal from “A” (a central station/a call center) to “B” (a telematics unit/vehicle 10), responsive to “a preference” signal at “A” (a central station/a call center) via the web portal interface (see Rigo et al, Fig.1 ref. 20, para. [0027]), and prior to “A” (a central station/a call center) receiving the update signal (this feature is inherent in Rigo et al., because prior to communicate/talk, both parties/sides must “shake-hand” first by exchanging signals).

Rigo et al. teach claimed steps via a communication relationship between “A” and “B” in a read-on claimed environment (see Rigo et al., Fig.1).

Rigo et al., do not disclose that “an update flag signal indicating that a vehicle personalization setting update is available for download”; however, these claims only require a step/an act of acknowledgment for availability or NOT available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Rigo et al., to suggest that particular meaning because that meaning does not change a step that Rigo et al., suggest: that is, using a signal to acknowledge a status/information.

B. As to claim 18: The rationales and reference for a rejection of claims 5, 14-15 are incorporated.

Rigo et al. clearly “process” above signals using a computer (see Rigo et al., Fig. 3, ref. 42) through exchanging computer communications.

7. Claims 8-10, 12-15, 18-20, and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rigo et al., (US Pub. 2002/0049535 A1), in view of Duperrouzel et al., (US Pat. 7,149,982).

A. As per claims 8, 18, and 22: Rigo teaches a method comprising:

- receiving a vehicle settings update/edit signal at a call center from a telematics unit (see Rigo et al., para. [0052], [0028]);
- transmitting a requirement to the telematics unit (e.g., checking for a compatible condition);
- receiving a reply from the telematics unit responsive to that download requirement (see Rigo et al., para. [0044], [0054], [0026], and [0028]).

Rigo et al. do not disclose that “determining a download status of the telematics unit and associated components based on the received download reply; storing the vehicle settings when

the download status of the telematics unit and associated components is negative; and transmitting the vehicle settings from the call center to the telematics unit when the download status of the telematics units and associated components is positive.”

However, Duperrouzel et al., suggest that idea of determining **a download status** (via a use of a download status indicator 248, as in: “A status indicator 248 indicates whether the user terminal 110 is currently in a process of downloading a web page for display one of the display panes 212a-212d. Downloading is indicated by a flashing symbol (not shown) in the status indicator 248, and each of the status indicators 248 of the display panes 212a-212d show numerals 1-4, respectively, when downloading is completed. The numerals 1-4 respectively designate a “pane number” for the display panes of the telematics unit and associated components based on the received download reply”, (see Duperrouzel et al., col. 7 lines 1-7 – note that Duperrouzel et al.’s unit is in “stationery” (not moving while downloading) – a status including a “negative”/“positive” status;

It has been well-known in computer field that in order for downloading, settings must be in agreement on both sides; therefore, claiming that if downloading status is still negative (not completing this step yet) those settings must be stored proving a receiver side is ready for down-loadings; and for transmitting the vehicle settings from the call center to the telematics unit (see Rigo et al., para. [0043], [0028]) when the download status of the telematics units and associated components is positive: it has been obvious to one with ordinary skill in the art to combine Rigo et al., and Duperrouzel et al. for downloading conditions because these claimed limitations have been well-known before this invention is made for the advantage of knowing communication steps (these computer’s data-transferring steps are similar for a laptop computer in a vehicle).

B. As per claims 9, 12, 19, and 23: Duperrouzel et al., teach these claims' limitation of: a remote/telematics unit determines associated component statuses are in a modifiable/edit (e.g., for storing) state (see Duperrouzel et al., col. 13 line 60 to col. 14 line 6; and claim 21).

C. As per claims 10, 20, and 24: Duperrouzel et al., also teach these claims' limitations of storing settings/configurations:

- determining a store status for settings (see Duperrouzel et al., col. 10 lines 63-67, "As previously described above with respect to saving the locations of the vertical scroll bars 262 and horizontal scroll bars 256, the "on" and "off" HTML settings for the toolbars and status bars can be saved for automatic recall or execution during future communications with the network 130.") when the download status of the telematics unit and associated components is negative;
- storing the vehicle settings when the store status is positive; and
- deleting the vehicle settings when the store status is negative (see also Duperrouzel et al., claims 1, 13, and claim 22).

Duperrouzel et al., do not need to spell-out "determining a store status for ... when the download status of the telematics unit and associated components is negative" (e.g., determining a storage capacity of a laptop before downloading software); and "storing the ... settings when the store status is positive" (e.g., if a capacity of a laptop's storage device is O.K., then perform a download step); and "deleting the vehicle settings when the store status is negative" (e.g., if a laptop's storage device is NOT capable to store, not downloading, and delete that settings) because those claimed reasons have been very logical and fundamental.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Rigo et al.'s invention with Duperrouzel et al.'s idea because this kind of

computer-to-computer's communication is similar to steps of providing vehicle settings – e.g., a remote object - from a server to a telematics unit in a mobile vehicle.

D. As per new claim 27: The rationales and reference for a rejection of claim 8 are incorporated. It has been well-known that a download requirement/condition is a receiver's side must be ready to receive (e.g., in another word, a receiver is in a modifiable state).

Conclusion

8. Pending claims 3,5, 8-10,12-15, and 18-20,22-24, 27 are rejected. Claim 26 is allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm (Mon. – Tues., and Thurs. – Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661